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FILED  
SUPERIOR COURT  
THURSTON COUNTY, WA

2021 JAN 29 AM 11:55

LINDA MYHRE ENLOW  
THURSTON COUNTY CLERK

Hearing date: January 8, 2021  
Hearing time: 9:00 a.m.  
Judge/Calendar: Honorable John C. Skinder

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON**

TODD BRINKMEYER,

Plaintiff,

v.

WASHINGTON STATE LIQUOR  
AND CANNABIS BOARD,

Defendant.

NO. 20-2-01568-34

ORDER DENYING MOTION FOR  
PRELIMINARY INJUNCTION

THIS MATTER came before the Court on Petitioner's Motion for Preliminary Injunction on January 8, 2021. Petitioner appeared by and through its attorneys, Miller Nash Graham & Dunn, LLP per Andy Murphy, and the Washington State Liquor and Cannabis Board (Board), Defendant, appeared by and through its attorneys, Robert W. Ferguson, Attorney General and Penny Allen, Senior Counsel. Having considered the Motion, the Declaration of Todd Brinkmeyer, the Declaration of Scott Atkison, the Declaration of Chris Masse, the Declaration of Andy Murphy, Defendant's Response to the Motion, the Declaration of Rebecca Smith and any reply in support of the Motion with any supporting papers and the files and records herein, the Court is fully advised in the matter and FINDS:

1. Plaintiff has failed to establish that he will likely succeed on the merits of his claims.

a. Plaintiff has failed to meet its heavy burden to establish that Washington's Residency Requirement is unconstitutional under Washington's Privileges and Immunities Clause.

1. Plaintiff is not a Washington citizen and Article 1 Section 12 of the Washington Constitution, the Privileges and Immunities clause, does not apply to him.

2. Plaintiff also failed to establish that a fundamental right of state citizenship is at issue. As Washington can regulate the production and sale of marijuana to the point of prohibiting it entirely, there is no fundamental right to engage in the production or sale of marijuana.

3. Defendant has established that there are reasonable grounds that support Washington's Residency Requirement.

b. Plaintiff has failed to meet its burden and establish that the Board exceeded its statutory authority in promulgating WAC 314-55-020. WAC 314-55-020 is in accord with RCW 69.50.331 and RCW 60.50.342.

2. Plaintiff failed to establish that he will suffer actual and substantial injury. Alleged constitutional violations are not sufficient to establish irreparable harm. *Sierra Club v. Trump*, 379 F. Supp. 3d 883, 925 (N.D. Cal. 2019), *aff'd*, 963 F.3d 874 (9th Cir. 2020). His other alleged injuries are speculative and there are alternative remedies to address his speculative injuries.

3. A preliminary injunction in this case would be contrary to the public interest and the balance of the equities weigh in favor of the Board.

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Now therefore, the Court ORDERS that:

1. The motion is DENIED.

ORDERED THIS 29<sup>th</sup> day of JANUARY, 2021

  
HONORABLE JOHN C. SKINDER

Presented by:

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